

**Hearing Officer Meeting Minutes
February 13, 2020**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, February 13, 2020, at City Hall Room 190, One City Plaza, Yuma, AZ.

HEARING OFFICER in attendance was Pamela Walsma.

CITY OF YUMA STAFF MEMBERS present included Kenneth McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director/Zoning Administrator; Amelia Griffin, Assistant Planner; Jessenia Juarez, Administrative Assistant.

Walsma called the meeting to order at 9:30 a.m.

CONSENT CALENDAR

Walsma approved the minutes of January 23, 2020.

PUBLIC HEARINGS

VAR-28996-2019: This is a request by Mayra Cobian, on behalf of Park West Yuma Development, LLC, for a variance to reduce the rear yard setback from 10' to 6' 6", in the Low Density Residential (R-1-6) District, for the property located at 2784 S. 44th Trail, Yuma, AZ.

Amelia Griffin, Assistant Planner, summarized the staff report, recommending **DENIAL**.

QUESTION FOR STAFF

Walsma asked if the residence had already been built. **Griffin** replied yes.

Walsma then asked if there were safety concerns associated with the requested variance. **Griffin** stated no.

Walsma questioned if the recommendation for denial was based on the request not meeting the four criteria, and Staff's finding that the special circumstance was created by the property owner. **Griffin** stated yes, and added it also did not meet the criteria for the preservation of substantial property rights.

Kenneth (Scott) McCoy, Assistant City Attorney, mentioned the property is subject, to a municipal improvement district that was formed for the Park West subdivision. **McCoy** stated that the is improvement district was responsible for perimeter landscaping around the subdivision. This property was located on the perimeter, and while the perimeter may look barren now, in the future the municipal improvement district intends to fund landscaping improvements.

Walsma asked if the variance affected the appearance of the planned perimeter landscaping. **McCoy** stated no. **Walsma** asked if in the past other new developments received setback variances for odd shaped lots. **McCoy** deferred to Planning Staff.

Alyssa Linville, Assistant Director Community Development, stating this new subdivision had not received any variances, adding that the granting of this variance would set precedent. **Linville** went on to say that other lots within subdivisions under different zoning designations have received variances for setbacks. **Linville** added there are alternatives for the patio that could be built without the need for a variance.

Walsma asking if that would be a redesign of the patio. **Linville** stated yes.

APPLICANT/APPLICANTS REPRESENTATIVE

Mayra Cobian, representing Halls General Contractor, 3064 S. Ave B, Yuma, AZ said she had no questions.

OPEN PUBLIC COMMENT


None

DECISION

Walsma denied the variance, finding that the Special Circumstance was created by the Property Owner or applicant, and that it was not necessary to preserve substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations and there is no special circumstance that applies to the property. She added there are other options for the design of the patio that would then meet requirements.

Walsma adjourned the meeting at 9:40 a.m.

Minutes approved and signed this 27th day of February, 2020.



Pamela Walsma, Hearing Officer